

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
MARCH 22, 2011

STATE OF TEXAS       §

COUNTY OF TRAVIS   §

**Present:**

Caroline Murphy, Mayor  
Jack McCool, Mayor Pro Tem  
Chad Bockius, Council Member  
Mike Murphy, Council Member

**Absent:**

Bob Dorsett, Jr., Council Member  
Bill Goodwin, Council Member

**City Staff:**

Frank Salvato, City Administrator  
Travis Askey, Deputy City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Giancarlo Patino, Engineer Associate  
Russell Pancoast, Police Chief  
Stephen Myrick, Building Official  
Kevin Arnold, IT

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, March 22, 2011 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

There were not any citizen comments at this time.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on March 8, 2011.
- B. Discuss and consider action on the monthly financial and investment report.
- C. Discuss and consider action on Ordinance No. 75, an ordinance cancelling the 2011 General Election.

**MOTION:** A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to approve the Consent Agenda items.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius and Murphy  
Voting Nay: None  
Absent: Council Members Dorsett and Goodwin

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 74, a zoning amendment to the existing HEB Planned Development District relating to a Conditional Use Permit for Advance Auto Parts, located at 12400 W. Highway 71, Suite 590.**

Mayor Murphy opened the public hearing at 6:02 p.m.

Tom Drews, Regional Construction Manager for Advanced Auto, introduced Michael Yates, Area Director and Tim McCreel, Regional Vice President. Mr. Drews requested that the Council approve the conditional use permit.

Mayor Murphy closed the public hearing at 6:04 p.m.

Mr. Drews answered questions regarding the complimentary services that Advanced Auto would like to provide.

**MOTION:** A motion was made by Council Member Bockius, seconded by Council Member Murphy, to approve Ordinance No. 74.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius and Murphy  
Voting Nay: None  
Absent: Council Members Dorsett and Goodwin

The motion carried.

**Second public hearing on request for annexation of 13.941 acres out of the J. Beck Survey No. 91, and being part of the 234.807 acres conveyed to Spillman Group, LTD (Gateway to Falconhead).**

Mayor Murphy opened the public hearing at 6:13 p.m.

There being no public comments, the hearing closed at 6:13 p.m.

An ordinance relating to this annexation will be presented at the next Regular Session.

**Discuss and consider action on a sign variance for Ben Archer State Farm to allow for the placement of a fire truck with State Farm signage on property facing Bee Caves Road.**

Ben Archer spoke to the Council about leaving the fire truck on his new property.

After discussion and numerous questions, Mr. Archer withdrew his request.

**MOTION:** A motion was made by Council Member Murphy, seconded by Mayor Pro Tem McCool, to refund the cost of the variance fee.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius and Murphy
Voting Nay:	None
Absent:	Council Members Dorsett and Goodwin

The motion carried.

**Discuss and consider action on the formal and final acceptance for paving and drainage improvements for the 5<sup>th</sup> construction phase of Falconhead West Phase I, Section II and Phase II.**

Associate Engineer Giancarlo Patino presented this item.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to finally accept the paving and drainage improvements for the 5<sup>th</sup> construction phase of Falconhead West Phase I, Section II and Phase II subject to contractor's one year maintenance bond for all required public improvements effective February 18, 2011.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius and Murphy  
Voting Nay: None  
Absent: Council Members Dorsett and Goodwin

The motion carried.

**Discuss and consider action on a request from Falconhead West and Cottages at Spillman Ridge Homebuilders to allow existing directional signs to remain for one year.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to allow the existing directional signs, as presented and designated on the map, to remain for one year.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Bockius and Murphy  
Voting Nay: None  
Absent: Council Members Dorsett and Goodwin

The motion carried.

**Citizen Comments**

Mayor Murphy reopened the citizen comments portion of the agenda.

Pix Howell, Urban Design Consultant for the City of Leander, provided an update regarding the water systems divestiture coalition.

**Executive Session**

The City Council closed the Open Session at 6:58 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, the Mayor publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-072 – Deliberation regarding Real Property; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. LCRA Rate Case litigation
- B. Consultation with attorney regarding litigation with Browning Construction Company, Freese & Nichols, Inc. and subcontractors for construction of city hall including settlement offer
- C. Consultation with attorney regarding litigation filed against City and Reit Management & Research Trust by Rod-Ave, L.P.
- D. Consultation with attorney regarding litigation relating to the TCEQ's Executive Director's petition that recommends that land within the jurisdiction of the City be included in a ground water district within the Hill Country Priority Groundwater Management Area.
- E. Consultation with City Attorney regarding franchise fee owed by City of Austin Energy.
- F. Consultation with City Attorney regarding acquisition of LCRA water/wastewater systems.

The City Council closed the Executive Session at 7:45 p.m. and reconvened in Regular Session in the Council Chambers.

**Discuss and consider action on franchise agreement with Austin Energy.**

**MOTION:** A motion was made by Council Member Murphy, seconded by Council Member Bockius, to postpone consideration of the franchise agreement at this time.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius and Murphy
Voting Nay:	None
Absent:	Council Members Dorsett and Goodwin

The motion carried.

**Adjournment**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Bockius, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius and Murphy
Voting Nay:	None
Absent:	Council Members Dorsett and Goodwin

The motion carried.

The City Council adjourned the Regular Session at 7:47 p.m.

PASSED AND APPROVED this 12<sup>th</sup> day of April, 2011.

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Jack McCool, Mayor Pro Tem

ATTEST:

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Kaylynn Holloway, City Secretary  
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